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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/501,904	08/16/2004	Hyo-Moon Park	F-8329	8752
28107	7590	05/15/2006		
JORDAN AND HAMBURG LLP 122 EAST 42ND STREET SUITE 4000 NEW YORK, NY 10168			EXAMINER BALSIS, SHAY L	
			ART UNIT	PAPER NUMBER
			1744	

DATE MAILED: 05/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/501,904

Applicant(s)

PARK, HYO-MOON

Examiner

Shay L. Balsis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/16/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered. Examiner could not locate KR 2000-8396 as provided in the specification.

Additionally, regarding the foreign patents on the PTO-1449, the copies of the references were not submitted with the application. Therefore, they are not considered and applicant is asked to submit in the references with the response to this office action and the Examiner will consider the references then.

### ***Specification***

The disclosure is objected to because of the following informalities: Page 4, lines 20 and 21 disclose a "Fig. 7b" and "Fig. 7a" however these figures do not exist.

Appropriate correction is required.

### ***Claim Objections***

The claims are objected to because they include reference characters which are not enclosed within parentheses.

Reference characters corresponding to elements recited in the detailed description of the drawings and used in conjunction with the recitation of the same element or group of elements in

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the claims should be enclosed within parentheses so as to avoid confusion with other numbers or characters which may appear in the claims. See MPEP § 608.01(m).

Claims 1-3 are objected to because of the following informalities: Claim 1, line 9 reads "a brush pried" however this appears to be spelled incorrectly. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the brush pieces" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "the toothbrush rod" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "the insert guide" in lines 5-6. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "the connecting bar" in line 7. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "the brush piece" in line 11. There is insufficient antecedent basis for this limitation in the claim. It is unclear which brush piece the applicant is referring to.

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Claim 1 recites the limitation "the secondary ruling groove" in 13. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "the primary ruling groove" in line 14. There is insufficient antecedent basis for this limitation in the claim.

Claim 2 recites the limitation "the ribs" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 2 recites the limitation "the brush pieces" in line 3. There is insufficient antecedent basis for this limitation in the claim. It is unclear which brush pieces the applicant is referring to.

Claim 3 recites the limitation "the flexible groove" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Hyo-Moon (USPN 6230356).**

Hyo-Moon teaches a brush part (12) with brush pieces (2) attached to a curved leaf spring (4). There is a push button (18) having a protruding ruling portion (18') inserted into the guide (figure 1) on the toothbrush rod. There is an operating plate (5) to allow the brush to linearly extend in cooperation with the traverse of the push button. One of the brush pieces (figure 2, leftmost piece) mounted on the fore-end of the brush part has an upward slanted protrusion on the top surface (front surface of brush piece is slanted). There is a structure (16) for pushing the operating plate against the brush piece with the slanted end. The button is moved from a first position (rightmost portion of groove 19) to a second position (leftmost portion of groove 19).

Regarding claim 2, the body of the brush part is covered with ribs (not labeled but figure 5 shows the brush part being covered) when the brush is not linearly extended.

Regarding claim 3, there is a groove in the ruling portion (19).

**Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Chen (USPN 5350248).**

Chen teaches a brush part with brush pieces (52) attached to a curved leaf spring (45). There is a push button (60) having a protruding ruling portion (not labeled but see figure 5, protrusion located above reference number 55) inserted into the guide (70) on the toothbrush rod. There is an operating plate (55) to allow the brush to linearly extend in cooperation with the traverse of the push button. One of the brush pieces (50) mounted on the fore-end of the brush part has an upward slanted protrusion on the top surface (figure 5 shows slanted bristles). There is a structure (protrusion on leftmost end of 55 in figure 5) for pushing the operating plate against

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the brush piece with the slanted end. The button is moved from a first position (rightmost portion of groove 70) to a second position (leftmost portion of groove 70).

Regarding claim 2, the body of the brush part is covered with ribs (figure 4) when the brush is not linearly extended.

Regarding claim 3, there is a groove in the ruling portion (figure 3 and 4 show a groove to correspond to the protrusion of 60).

**Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Yue (USPN 6357073).**

Yue teaches a brush part with brush pieces (13) attached to a curved leaf spring (15). There is a push button (17) having a protruding ruling portion (20) inserted into the guide (19) on the toothbrush rod. There is an operating plate (18) to allow the brush to linearly extend in cooperation with the traverse of the push button. One of the brush pieces (16) mounted on the fore-end of the brush part has an upward slanted protrusion on the top surface (figure 1). There is a structure (15, 17, 18) for pushing the operating plate against the brush piece with the slanted end. The button is moved from a first position (top portion of groove 19) to a second position (bottom portion of groove 19).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shay L. Balsis whose telephone number is 571-272-1268. The examiner can normally be reached on 7:30-5:00 M-Th, alternating F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys Corcoran can be reached on 571-272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Slb  
5/11/06



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